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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/885,407	06/21/2001	Giovanni Gianola	210201US2	3936
22850	7590	01/26/2005	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.			PESIN, BORIS M	
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ALEXANDRIA, VA 22314			PAPER NUMBER	

2174

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/885,407

Applicant(s)

GIANOLA, GIOVANNI

Examiner

Boris Pesin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-7,9 and 10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-7,9 and 10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

This communication is responsive to Amendment A, filed 06/20/2004.

Claims 1, 3, 4, 5, 6, 7, 9, and 10 are pending in this application. Claim 1 is an independent claim. In the Amendment A, Claims 1, 3, 4, 5, 6, 7, 9, and 10 were amended and claims 2, 8, 11 and 12 were canceled. This action is made Final.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1, 3, 4, 5, 6, 7, 9, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kenney (US 6381583) in view of Ferreira (US PG Pub 20010034661) in view of Leahy et al. (US 6219045) in view of Aho et al. (US 6256043).

In regards to claim 1, Kenney teaches storing information and data regarding said products and services; creating at least one web page configured to display 360-degree panoramic and immersive internal environments of at least a first establishment of said establishments and information on said products and services offered by said first establishment, said at least one web page navigable by displaying movements in three-dimensional space starting from a two-dimensional movement of a pointer device (i.e. *"The control means 14 further allows the shopper to cause the display means 12 to stop at a desired part of the aisle, turn toward that particular part, and zoom in on a particular product. The control means 14 can also allow the shopper to cause the display means 12 to show movement of the selected product off the shelf for closer examination or for moving the displayed representation of the selected product into the represented shopping cart in the same manner as the shopper would actually function in the real grocery store 2."* Column 7, Line 7), said at least one web page further including: a first area configured to activate sounds (i.e. *"As shown in FIG. 9, the information can be visibly shown as in window 40; however, audible information can also be provided if the computer 20 has a speaker and the data from the computer 18 data base contains data for generating audio output."* Column 10, Line 24), a second area configured to start search procedures (i.e. *"The present invention enables pre-shopping of a particular store in the comfort of one's home, office or any location where*

a suitable electronic interface. (e.g., a computer having Internet access capability) is available. The information can be searched, selected and lists prepared for use while in the store, thereby reducing the shopping time." Column 4, Line 35), transmitting said at least one web page to said customer terminals (i.e. *"The system creates an electronically produced, electronically transmissible visual replica of a display of goods or other objects at a shopping facility or other particular environment. The shopping facility is conveyed to a shopper through the present invention as a specific shopping environment to be met when the shopper is actually at the facility."* Column 4, Line 66), and receiving at least one request from at least one customer, said at least one request comprising requests for information on said products or services and on the modalities of the transaction (i.e. *"When the shopper stops at a particular section to look at a product, as indicated by left, right, forward or reverse motion such as input through the arrow keys of the keyboard, a more limited, closer view of a section of the aisle can be viewed, such as shown in FIG. 8. Although not shown in the representation of FIG. 8 due to space and lettering constraints, the individual products, such as product 36, appear on the display means as replicas of the actual products and include their labeling in sufficient definition that the labels can be read in at least close-up views."* Column 10, Line 5, and Figure 9).

Kenney does not teach a web page further including: a third area configured to display town plans and maps, a fourth area configured to activate at least one chat line or audio/videoconference with other visitors to said at least one web page of said first establishment, or with dealers, receptionists or employees of the first establishment,

and a sixth area configured to display and send current messages and entire dialogues between the customers. Ferreira teaches that, *"Images of city blocks may include virtual storefronts. The virtual storefronts may correspond to actual stores in the real world...upon selection of a storefront, the user may be directed to a virtual representation of the interior of the store in which the user may navigate and view actual items for sale as though he or she were in a real store."*(Page 1, Paragraph [0015]). Furthermore, Ferreira teaches, *"Because the virtual city application is intended to represent a real community, bulletin board messaging and chat functionality may be added. Users may post messages or chat about certain topics or may post messages and chat to each other based on where in the virtual city they currently are. For example, users viewing the virtual South Street Seaport in Manhattan may be given the ability to chat to other users currently viewing the South Street Seaport as well."*(Page 9, Paragraph [0092]). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Kenney with the teachings of Ferreira to town plans and maps and include chat capability with the motivation to provide for a realistic shopping experience (Page 1, Paragraph [0004]).

Kenney and Ferreira do not teach a web page further including a fifth area configured to display nicknames of people who send network messages. Leahy teaches a web page to display nicknames of people who send network messages (i.e. Figure 1). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Kenney and Ferreira with the teachings of Leahy and include a system of displaying nicknames of people who send network messages with the

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motivation to provide the user a convenient method of recognizing who the user is able to interact with in the virtual world.

Kenney, Ferreira, and Leahy do not teach a system for providing an employee web page to at least one employee of said first establishment, said employee web page configured to activate a chat line or an audio/videoconference from an employee computer terminal which is installed inside said first establishment, said employee web page having control options including: activating and deactivating said chat line, closing said chat line, and sending messages. Aho teaches that, *"...when the proprietor of a virtual store, or his representative, e.g., electronic agent detects the avatar of one or more persons passing the avatar of a store for which such proprietor's store corresponds to the virtual store for such passing persons, a message, such as an advertisement, or other communication ... may be transmitted."* (Column 8 Line 13). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Kenney, Ferreira, and Leahy with the teachings of Aho to include a chatting mechanism with the dealer with the motivation to provide for a feeling of community (Aho, Column 2, Line 54).

In regards to claim 3, Kenney, Ferreira, Leahy and Aho teach all the limitations of claim 1. Kenney further teaches a method further comprising: displaying on the screens of said customer terminals the internal environments of said establishments in one or more pre-set locations as to enable said customers to access an inside of the least one desired establishment as said first establishment (i.e. the display can show entry through the front door of the store, selection of a shopping cart, and movement to a

conventional starting point, Column 9, Line 17) to choose the products or services (i.e. products can be selected, Column 10, Line 54), examine them from various points of view (i.e. close-up views, Column 10, Line 17), check their physical and technical characteristics (i.e. product information window, Column 10, Line 22) and access procedures for managing an order for the products and services (i.e. Once a list has been created for the products to be purchased, the products can be ordered electronically through the Internet system with instructions for delivery by the store or for pickup by the shopper going to the store. Payment provisions (preferably secure ones) can also be included in the system." Column 11, Line 5).

In regards to claim 4, Kenney, Ferreira, Leahy and Aho teach all the limitations of claim 3. Further Kenney teaches a method further comprising: choosing of a location for virtual navigation (i.e. programming can be used to allow the customer to start at any selected point within the environment of the shopping facility, Column 9, Line 20), choosing at least one shop, store, commercial center, or hotel as a first establishment (i.e. the address of the home page is entered, Column 8, Line 67), choosing at least one product or service for purchase at said first establishment (i.e. products can be selected, Column 10, Line 54), and gathering together any products or services selected for purchase inside a virtual shopping cart (i.e. moving the displayed representation of the selected product into the represented shopping cart, Column 7, Line 15) and carrying them into a given area of the first establishment (i.e. cash register is located and where the shopper would collect selected clothing items, Column 7, Line 22).

In regards to claim 5, Kenney, Ferreira, Leahy and Aho teach all the limitations of claim 4. Ferreira further teaches a method of activation of at least one chat line or audio/videoconferencing at the fourth area by the customer with other customers visiting the first establishment in order to exchange opinions and impressions on the products or services and on their technical and commercial characteristics (i.e. "... *bulletin board messaging may be added. Users may post messages or chat about certain topics or may post messages and chat to each other...*", Ferreira, Page 8, Paragraph [0092]).

In regards to claim 6, Kenney, Ferreira, Leahy and Aho teach all the limitations of claim 5. Kenney further teaches a method further comprising paying for purchased products or services in a secure, unique and coded way (i.e. "*Payment provisions (preferably secure ones) can also be included in the system.*", Column 11, Line 9).

In regards to claim 7, Kenney, Ferreira, Leahy and Aho teach all the limitations of claim 1. Since their invention deals with computers, it is inherent that the following items are present: at least one central processing unit, at least one interface configured to connect to the communication network, at least one pointer device or a mouse, a keyboard, a display screen configured to display web pages, a RAM, and a hard disk drive.

In regards to claim 9, Kenney, Ferreira, Leahy and Aho teach all the limitations of claim 1. Kenney further teaches a system comprising: displaying at least one web page to the customer via an Internet performing as said communication network (i.e. the address of the home page is entered, Column 8, Line 67), wherein said at least one web page further includes, a seventh area configured to display logos and advertising

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messages (i.e. *"The additional information concerning an item includes any information desired. Examples are product size, price, unit price, last purchase date, location in the store, additional product advertisement including audio information, information concerning other sizes or related products available and a "yes" or "no" to order or place an item on a list."* Column 4, Line 4), an eighth area configured to connect with other web pages network (i.e. the address of the home page is entered, Column 8, Line 67), a ninth area configured to display the address and logo of the first establishment network (i.e. the address of the home page is entered, Column 8, Line 67 and Figure 3) and a tenth area configured to chose a different part or environment of the first establishment (i.e. *"The electronic shopping system shown in FIG. 1 also includes control means 14 for the shopper to control the display means 12 such that the display means 12 causes the displayed video image to change at the shopper's command to correspond to what the shopper would see were the shopper to move through the physical embodiment of the shopping facility 2."* Column 6, Line 60).

In regards to claim 10, Kenney, Ferreira, Leahy and Aho teach all the limitations of claim 9. Kenney further teaches a system further comprising providing first buttons also configured to move the customer around inside said immersive internal environment (i.e. *"The electronic shopping system shown in FIG. 1 also includes control means 14 for the shopper to control the display means 12 such that the display means 12 causes the displayed video image to change at the shopper's command to correspond to what the shopper would see were the shopper to move through the physical embodiment of the shopping facility 2."* Column 6, Line 60) and second buttons

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configured to choose, enlarge, reduce, and change views, and drag said products or services (i.e. *"The control means 14 further allows the shopper to cause the display means 12 to stop at a desired part of the aisle, turn toward that particular part, and zoom in on a particular product. The control means 14 can also allow the shopper to cause the display means 12 to show movement of the selected product off the shelf for closer examination or for moving the displayed representation of the selected product into the represented shopping cart in the same manner as the shopper would actually function in the real grocery store 2."* Column 7, Line 7).

Response to Arguments

Applicant's arguments with respect to claims 1, 3, 4, 5, 6, 7, 9, and 10 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Boris Pesin whose telephone number is (571) 272-4070. The examiner can normally be reached on Monday-Friday except every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BP


SY D. LUU
PRIMARY EXAMINER